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PATENT COOPERATION TREATY

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PCT/EP2003/010287

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PCT

NOTICE INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

From the INTERNATIONAL BUREAU

Isenbruck | Bösl | Hörschler |
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To:

13. April 2004

Frist:

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IMPORTANT NOTICE

Date of mailing (day/month/year)
01 April 2004 (01.04.2004)

Applicant's or agent's file reference
B02/0518PC

International application No.
PCT/EP2003/010287

International filing date (day/month/year)
16 September 2003 (16.09.2003)

Priority date (day/month/year)
17 September 2002 (17.09.2002)

Applicant

BASF AKTIENGESELLSCHAFT et al

1. Notice is hereby given that the International Bureau has **communicated**, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this notice:

AU, AZ, BY, CH, CN, CO, DZ, EP, HU, JP, KG, KP, KR, MD, MK, MZ, RU, TM, US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

AE, AG, AL, AM, AP, AT, BA, BB, BG, BR, BZ, CA, CR, CU, CZ, DE, DK, DM, EA, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, ID, IL, IN, IS, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, UZ, VC, VN, YU, ZA, ZM, ZW

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this notice is a copy of the international application as published by the International Bureau on 01 April 2004 (01.04.2004) under No. WO 2004/026467

4. **TIME LIMITS for filing a demand for international preliminary examination and for entry into the national phase**

The applicable time limit for entering the national phase will, **subject to what is said in the following paragraph**, be **30 MONTHS** from the priority date, not only in respect of any elected Office if a demand for international preliminary examination is filed before the expiration of **19 months** from the priority date, but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see *PCT Gazette* No. 44/2001 of 1 November 2001, pages 19926, 19932 and 19934, as well as the *PCT Newsletter*, October and November 2001 and February 2002 issues.

In practice, **time limits other than the 30-month time limit** will continue to apply, for various periods of time, in respect of certain designated or elected Offices. For **regular updates on the applicable time limits** (20, 21, 30 or 31 months, or other time limit), Office by Office, refer to the *PCT Gazette*, the *PCT Newsletter* and the *PCT Applicant's Guide*, Volume II, National Chapters, all available from WIPO's Internet site, at <http://www.wipo.int/pct/en/index.html>.

For filing a demand for international preliminary examination, see the *PCT Applicant's Guide*, Volume I/A, Chapter IX. Only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

It is the applicant's **sole responsibility** to monitor all these time limits.

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**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/EP 03/10287

2. D1 discloses a process for the preparation of a titanium containing zeolite beta catalyst for the oxidation of organic compounds using organic hydroperoxides such as the epoxidation of olefins, in which the catalyst is post treated with an inorganic acid, an inorganic base or steam after separating the zeolite from the mother liquor and prior to calcination (D1, claims 1 and 5-9; page 4, lines 24-32; page 6, lines 19-20 and examples in particular "treatments^a" in tables 2 and 3). The subject-matter of claims 1-5, 15-16 and 19 is therefore not new (Article 33(2) PCT).
- 2.1 If the present treatment with water results in an increased UV/VIS absorption in the 250 to 350 nm region, then also the treatment with water according to D1 will result in an increased UV/VIS absorption in the 250 to 350 nm region. The subject-matter of claim 17 is therefore not new (Article 33(2) PCT).
- 2.2 Dependent claim 6 merely defines the location where the treatment with water is performed. Hence, claim 6 does not contain any feature which is associated with a technical effect that could support the presence of an inventive step (Article 33(3) PCT).
- 2.3 If any of claims 7-14 or 18 would already differ from D1 in that the solid material is agglomerated or granulated (see claim 7) or shaped into a shaped body (see claims 10 and 18), it appears that such a feature is not associated with a technical effect that could support the presence of an inventive step. Hence, no inventive step is present in the subject-matter of claims 7-14 and 18 (Article 33(3) PCT).
3. Similarly, D2 discloses the treatment of titanium-containing molecular sieve catalysts with 1M aqueous sodium acetate at 80°C for four hours (D2, example 1) or treatment with a 1M solution of ammonium nitrate at 80°C for four hours (D2, example 2).
- 3.1 Hence, the subject-matter of claims 1-19 is not new (Article 33(2) PCT) or not associated with any technical effect that could support the presence of an inventive step (Article 33(3) PCT).
- additional comment
4. Upon entry into the European phase, document D3 will be taken into consideration.